

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF MISSISSIPPI**

**IN RE: DAREL WAYNE NICHOLSON**  
**Debtor**

**CHAPTER 12**  
**CASE NO. 20-10869-SDM**

**MOTION FOR AUTHORITY TO SELL REAL PROPERTY  
OUTSIDE THE ORDINARY COURSE OF BUSINESS  
FREE AND CLEAR OF LIENS, CLAIMS AND INTERESTS**

COMES NOW Darel Wayne Nicholson (the “Debtor”) and files this his *Motion For Authority to Sell Real Property Outside the Ordinary Course of Business Free and Clear of Liens, Claims and Interests* (the “Motion”), and in support thereof, would respectfully show unto the Court as follows, to-wit:

1. On February 27, 2020, the Debtor herein filed with this Court his original petition for bankruptcy under Chapter 12 of the Bankruptcy Code.

2. This Honorable Court has jurisdiction of the subject matter herein and the parties hereto pursuant to 28 U.S.C. § 157, 1334; 11 U.S.C. § 105, 363, 541, 1107, related statutes, related rules and various orders of reference. This is a core proceeding.

3. In the exercise of the Debtor’s best business judgment, the Debtor has made the decision to liquidate certain real property in an effort to generate credits to pay the indebtedness of secured creditors.

4. Specifically, the property that forms the subject matter of this Motion is located at 32958 Hwy 45 N, Nettleton, MS 38858 (the “Property”). It is the Property the Debtor desires to sell and it is the Debtor’s home.

5. The decision to liquidate the Property is in the best interest of all creditors and parties-in-interest herein. Debtor has not yet secured a specific purchaser for the Property, but he has received sufficient inquiries to make the decision to file this Motion, as a preliminary matter. The

purchase price for the Property will be at least \$180,000. This is the minimum fair market value of the Property.

6. The putative purchaser will be a good faith purchaser and the sale transaction will be an arms-length transaction. The sale is occurring outside of the Plan.

7. The ad valorem taxes will be prorated at closing on the real property based on possession as between the purchaser and the Debtor.

8. The Debtor seeks authority of the Court to execute such deeds, transfers of title or other related documents which are reasonably necessary to consummate and close the sale of the Property.

9. The Debtor seeks to sell the Property free and clear of liens, claims and security interests with the exception of ad valorem tax claims which shall be prorated based upon possession, and paid at closing, with all valid liens and claims to attach to the sales proceeds and paid to the Bank of Okolona, the first, and only, lienholder.

10. The Debtor requests that the Court approve the sale for the minimum price of \$180,000. Further, once a specific purchaser is identified, and a contract is received, the Debtor will notify the Court in a separate pleading and ask the Court for an expedited hearing in connection with that particular purchaser so that they can be qualified as a good faith purchaser and the details of the transaction can be approved by the Court.

11. Other grounds to be assigned upon a hearing hereof.

WHEREFORE, PREMISES CONSIDERED, Debtor respectfully prays that upon a hearing hereof, this Honorable Court will grant the Motion and authorize the Debtor to sell his interests in the Property free and clear of liens, claims and interests. Debtor prays for general relief.

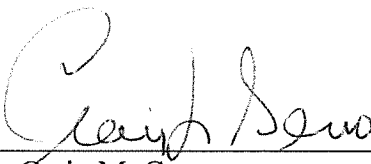
THIS, the 9<sup>th</sup> day of September, 2021.

Respectfully submitted,

DAREL WAYNE NICHOLSON

By His Attorneys,

LAW OFFICES OF CRAIG M. GENO, PLLC

By:   
Craig M. Geno

OF COUNSEL:

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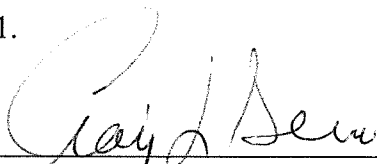
### **CERTIFICATE OF SERVICE**

I, Craig M. Geno, do hereby certify that I have caused to be served this date, via Notice of Electronic Filing, a true and correct copy of the above and foregoing to the following:

Sammye S. Tharp, Esq.  
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Harold J. Barkley, Jr., Esq.  
[hjb@hbarkley13.com](mailto:hjb@hbarkley13.com)

THIS, the 9<sup>th</sup> day of September, 2021.

  
Craig M. Geno